IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 415 Of 2003

IN

SUMMARY SUIT NO. 812 Of 2003

Catholic Syrian Bank Ltd. .. Plaintiff

versus

Girija R. Pillai .. Defendant

...

Ms.Neeta Rafda i/b D.R. Associates for the plaintiff.

CORAM : D.G. KARNIK,J.

DATED : 9th February 2005.

P.C.:

1. The plaintiff has filed this suit for the recovery of the sum of Rs.76,370/- due to it towards the loan advanced. The plaintiff Bank had granted loan of Rs.50,000/- for the repayment of which the defendant had executed a promissory note dated 28th October 1994, along with other documents.

2. The learned counsel for the plaintiff has

filed on record affidavit dated 2nd June 2003 sworn in by C.S. Jadhav proving the service of Summons for Judgement.

3. Despite the service of Summons for Judgement, the defendant has not filed an application for leave to defend nor has he filed any affidavit in reply. In the circumstances, the averments made in the plaint are deemed to be admitted.

4. The learned counsel for the plaintiff hands in original documents along with a list. The documents are taken on record and collectively marked Exhibit-A. I have perused the averments made in the plaint as also the original documents. In view of the fact that no application for leave to defend is made and no affidavit in reply is filed, the plaintiff is entitled to a decree under clause(a) of sub rule (6) of Rule 3 of Order 37 of the Code of Civil Procedure. Hence, Summons for Judgement is made absolute and the suit of the plaintiff is decreed as per the prayer clause of the plaint.

5. Issue court fee refund certificate as per rules.

D.G. KARNIK, J